

## REMARKS

Claims 1-21 are pending in the present application. Claims 1, 6, 10, 15, and 19 are the independent claims. In the Official Action, dated July 1, 2005, claims 1-21 were rejected under § 102(e) as being allegedly anticipated by U.S. Patent No. 6,145,089 (Le et al.).

### *Telephonic Interview*

Applicants wish to thank the Examiner in engaging the undersigned in a telephonic interview on September 7, 2005. In that interview, it was agreed upon that Le et al. does not disclose *selecting a failover group from a plurality of servers*. Thus, the Applicants accordingly amend the independent claims to overcome Le et al.

### *Rejection of Claims 1-21 under 35 U.S.C. § 102(e)*

Claims 1, 6, 10, 15, and 19 are the independent claims. For example, claim 1 recites the following:

A system comprising:

a plurality of servers, wherein one or more *failover group of servers is selected from the plurality of servers*, and over which data is partitioned, each server usually processing client requests for data of a respective type and processing the client requests for data other than the respective type for other of the plurality of servers within a same failover group when the other of the plurality of servers within the same failover group are offline; and

a master server managing notifications from one or more clients and from the plurality of servers as to whether servers are offline, the master server verifying whether a server is offline when so notified, and where the server has been verified as offline, so notifying the plurality of servers other than the server that has been verified as offline.

(emphasis added). In short, Applicants submit that claim 1 patentably defines over any cited art because it recites the notion of *selecting failover groups from a plurality of servers*.

Applicants agree that Le et al. mentions the notion of “groups,” however, not as “failover groups,” but rather as “service groups”:

FIG. 1A is a block diagram illustrating one embodiment of a plurality of servers supporting services or *groups of services* in a first configuration 100. Server A 110 supports *service groups* provided by an intranet web server 116 and a network file service (NFS) server 113. Server B 130 supports a first database 136 and customer support software 133. Server C 120 supports an internet web server 123 and a second database 126. It is to be understood that the specific services or *service groups* are merely examples, and that a *service group* can include such groups as an intranet web server, first database, customer support software, second database, internet web server, network file server (NFS), or any other service. These *service groups* provide access to various data for a client (not shown) connected to a network supported by server A 110, server B 130, and server C 120.

(col. 2, ll. 22-36). Disclosing that *services* can be grouped does not amount to teaching that “one or more failover group of servers is selected from the plurality of servers,” (claim 1).

Independent claims 6, 10, 15, and 19 recite similar limitations: “a plurality of servers, wherein one or more failover group of servers is selected from the plurality of servers ...” (claim 6); “determining a failover server in a failover group, wherein the failover group is selected from a plurality of servers” (claim 10); “...a server configured in a failover group, wherein the failover group is selected from a plurality of servers...” (claim 15); “notifying a failover group of servers selected from a plurality of servers, wherein the failover group is capable of processing requests for partitioned data of a respective type...” (claim 19).

Inasmuch claims 2-5, 7-9, 11-14, 16-18, and 20-21 depend either directly or indirectly from independent claims 1, 6, 10, 15, and 19, respectively, they are believed allowable for the same reasons. Withdrawal of the rejection under § 102(e) is therefore earnestly solicited.

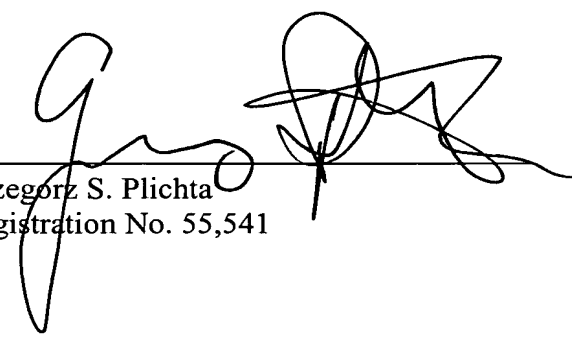
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**PATENT**

### **CONCLUSION**

Applicants believe that the present Amendment is responsive to each of the points raised by the Examiner in the Official action, and submits that Claims 1-21 of the application are in condition for allowance. Favorable consideration and passage to issue of the application at the Examiner's earliest convenience is earnestly solicited.

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